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MYERS BIGEL SIBLEY & SAJOVEC
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RALEIGH, NC 27627

In re Application of	:
John Elliason	: DECISION GRANTING FILING
Application No. 10/760,943	: DATE OF January 20, 2004
Filed: January 20, 2004	:
Attorney Docket No. 9359-2CT	:

This is a decision on the petition filed June 24, 2004, requesting that the above-identified application be accorded a filing date of January 20, 2004, rather than the presently accorded date of January 21, 2004.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on January 20, 2004 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of **Express Mail Label No. EV 381448656 US** showing a stamped date of January 20, 2004. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the other available evidence, the Internet USPS Express Mail Tracking and Delivery Confirmation, discloses that the package was deposited on January 20, 2004.

In view of the USPS receipt stamp of January 20, 2004 appearing on the same Express Mail label number as shown on the transmittal for the instant application, it is concluded that the application was deposited as "Express Mail" with the USPS on January 20, 2004.

The petition is granted.

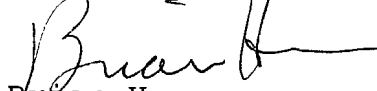
A copy of a Corrected Filing Receipt mailed July 7, 2004 bearing the Filing Date of January 20, 2004, accompanies this decision.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (703) 305-8859.

Application No. 10/760,943

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The application is being referred to Technology Center Art Unit 3676.


Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Copy of Corrected Filing Receipt mailed July 7,
2004